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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/854,516	05/15/2001	Shinya Kadono	2001-0599A	8234
513	7590	01/12/2005	EXAMINER	
WENDEROTH, LIND & PONACK, L.L.P.			WONG, ALLEN C	
2033 K STREET N. W.				
SUITE 800			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20006-1021			2613	

DATE MAILED: 01/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/854,516

**Applicant(s)**

KADONO, SHINYA

**Examiner**

Allen Wong

**Art Unit**

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

### A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-10 have been read and considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eifrig (6,026,195) and Kikuchi (6,081,208) in view of Schumann (6,078,328).

Regarding claims 1-4, 6, 7 and 9, Eifrig discloses a video decoding program storage medium which contains a video decoding program implementing a video decoding method for receiving a stream including at least one of information obtained by coding pixel values which compose a video and information obtained by coding shape values indicating whether the pixel values which compose the video are significant or not (fig.13, note element 1344 decodes the shape information, element 1346 decodes the texture information via inverse DCT, element 1348 decodes the motion information, and element 1352 determines whether the pixel values are significant or not), and outputting at least one of pixel values and shape values, which are respectively obtained by decoding the stream (fig.13, note element 1352 reconstructs the image information obtained by the shape, texture and motion

information and outputs the reconstructed result to VIDEO OUT, such as a video display), said video decoding program implementing the video decoding method comprising:

judging whether or not the stream includes the information obtained by coding the pixel values which compose the video (fig.13, note element 1344 decodes the shape information, element 1346 decodes the texture information via inverse DCT, element 1348 decodes the motion information, and VOP reconstruction 1352 determines whether the pixel values are significant or not, and if outputs the composed video data to a display).

Eifrig does not specifically disclose not displaying decoded pixel values on a video display unit, when the stream does not include any information which is obtained by coding the pixel values. However, Kikuchi teaches the limitation not displaying decoded pixel values on a video display unit, when the stream does not include any information which is obtained by coding the pixel values (col.25, ln.5-14; the display stoppage occurs when insufficient pixel color data or when the video stream does not have the information from coded pixel values). Therefore, it would have been obvious to one of ordinary skill in the art to incorporate the teachings of Eifrig and Kikuchi, as a whole, for efficiently encoding and decoding image data by reducing redundancy and extraneous steps that impede the encoding/decoding processes (col.2, ln.66 to col.3, ln.5). Doing so would produce high quality images for display and meet with today's highly complex video encoding standards.

Although Eifrig and Kikuchi do not specifically disclose preventing a display of decoded pixel data when the stream includes information which is obtained by coding shape values and does not include any information which is obtained by coding pixel values, however, Schumann teaches the prevention of the display of decoded pixel data when the stream includes information which is obtained by coding shape values and does not include any information which is obtained by coding pixel values (col.7, ln.1-13; note foreground images are selected for display by a decision processing application that decides what criteria is met for display, meaning that the display of images could be dependent on the presence or absence of information that is obtained by coding shape values in any graphical elements, ie.subpicture; also note the Schumann's invention is MPEG-4 capable, as disclosed in col.2, ln.43). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Eifrig, Kikuchi and Schumann, as a whole, for accurately decode digital video images so as to view high quality images during display (Schumann col.2, ln.47-54).

Regarding claims 5, 8 and 10, Eifrig discloses the video decoding program storage medium wherein the video is one of videos of objects which compose a foreground with respect to a background (col.5, ln.30-35; frame 105 is a video that contains foreground object elements 107 and 108 and background object element 109).


#### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (703) 306-5978. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Allen Wong  
Examiner  
Art Unit 2613

AW  
1/4/05